

REMARKS

Favorable reconsideration and allowance of all pending claims are requested in view of the following amendments and remarks. Claim 1 has been amended. Claim 9 is canceled. Accordingly, Claims 1-6 are pending in the application.

It is asserted in the Office Action that Claims 1-6 are rejected under 35 USC 101.

In response, Applicant has amended claim 1 to delete the element of the claim which the Examiner contends specifically limits the claim to a particular part of the human body.

Accordingly, reconsideration and withdrawal of the rejection of Claims 1-6 under 35 USC 101 is respectively requested.

It is asserted in the Office Action that Claims 1-6 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, the Examiner indicating that claims 1-6 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and 35 U.S.C. 101.

In response, Applicant has amended Claim 1 as discussed above and notes that the deleted portion, which forms the same basis for the rejections of claims 1-6 under 35 U.S.C. 112, second paragraph, is fully responsive to this rejection and further notes that the deleted portion merely concerns the extent to which the side plates extends upwards, but does not otherwise change the claimed structure which the Examiner has indicated is allowable over the prior art. In the connection, Applicant submits that this amendment does not raise any issues that would require further consideration and/or search since the only difference between the claims as previously presented, and the claims, as currently amended, is the extent to which the side plates extend upwards, and such extent is not determinative of the patentability or lack of patentability of the invention over the prior art. Further, the specific amount of the extent is clearly described

in the specification. Therefore, when the claims are read in light of the specification, it would be apparent to a person skilled in the art the specific amount the plates extend upwards.

Accordingly, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. 101 and 35 U.S.C. 112, second paragraph, is requested so as to place the application into condition for allowance.

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-6, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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Linda Metz